

**Statement
of
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Before the

**Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives**

**Concerning
H.R. 5102 – Wildfire Response Act of 2002
H.R. 5185 – Wildfire Response Enhancement Act
H.R. 5513 - the Yavapai Ranch Land Exchange Refinement Act of 2002
October 10, 2002**

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you today. I am Tom Thompson, Deputy Chief for National Forest System. With me today is Jerry Williams, Director of Fire and Aviation. I would like to present the Administration's views on H.R. 5102 – the Wildfire Response Act of 2002, H.R. 5185 – the Wildfire Response Enhancement Act, and H.R. 5513 – the Yavapai Ranch Land Exchange Refinement Act of 2002.

Before discussing these bills I would like to take a few moments to update you on the status of our aviation program. As you are well aware, this has been an unusual fire season. Not only have we seen a dramatic increase in fire intensity and loss of resources, but because of the loss of human life, this has been a tragic year for our aviation firefighting program.

The United States Department of Agriculture Forest Service and the Department of the Interior administer a challenging aviation program to support the national firefighting effort. We contract for 44 large airtankers, over 100 exclusive use helicopters, and nearly 300 more "call when needed" helicopters. These aircraft are flown by highly professional pilots and form the backbone of our airborne resources and are more than adequate to meet our needs during a normal fire season.

However, the meaning of a "normal" fire season has changed with the conditions of the forests, and in both 2000 and 2002 the military provided a critical surge capacity. Occasionally, we may need to call upon these resources under time sensitive conditions to meet urgent requirements.

Chief Dale Bosworth and Kathleen Clarke, Director of the BLM, decided we needed to step back and get an objective, outside view of our program so they jointly commissioned a blue ribbon fact-finding panel to determine the adequacy of our current aviation program.

This fact-finding panel includes some of the best minds in the fire and aviation community. Included are a former Chairman of the NTSB (National Transportation Safety Board), the State Forester of Texas, and the previous Director of the Transportation Safety Board of Canada.

The panel is expected to issue its report by this November. The report is expected to identify strengths, weaknesses, and failpoints and provide information in five areas: safety, operational effectiveness, costs, sustainability, and strategic guidance.

Using information from this comprehensive report, both Agencies will be in a much better position to meet the complex short and long term challenges of our firefighting and aviation program. We will share the panel's findings, and our proposed actions, with you when they are available.

H.R. 5102 – The Wildfire Response Act of 2002 and H.R. 5185 – Wildfire Response Enhancement Act

As you are well aware, the 2002 fire season was one of the most devastating seasons in recent memory. Not only have we seen a dramatic increase in fire intensity and loss of resources, but because of the loss of human life, this has been a tragic year for our aviation firefighting program. I want to thank the Committee for its support of our ongoing efforts to continuously improve our wildland firefighting capabilities.

I now turn to H.R. 5102, which would give the Secretaries of Agriculture and Interior expedited authority to utilize military aircraft and attendant personnel to fight wildfires without first comparing costs of procuring the same services from a commercial enterprise as currently required by the Economy Act, and H.R. 5185, legislation that is somewhat broader than H.R. 5102, which would give us the option to use military resources without making the determination that commercial sources were unavailable.

We appreciate the Committee's desire to ensure the Department is vested with the flexibility needed to access cost-effective quality sources in a timely manner, including in emergency situations. We believe that sufficient flexibility currently exists under the Economy Act to achieve the objectives of this legislation and, for this reason, cannot support the legislative changes proposed by these bills.

H.R. 5513 - the Yavapai Ranch Land Exchange Refinement Act of 2002

The Administration supports the concept of a land exchange with the Yavapai Ranch and has worked for a number of years to craft administrative and legislative options to arrive at a mutually beneficial exchange of approximately 55,000 acres of federal and non-federal lands.

An exchange offers substantial benefits to both parties and the public. The Forest would benefit from simplified boundary management and reduced administrative costs and the acquisition of

lands adjacent to the Juniper Mesa Wilderness, which have significant forest, wildlife, and recreation values. The public would benefit from the addition of land for commercial and residential growth and for community services. Overall, this exchange could be beneficial and in the public interest.

The Administration will support this legislation if a crucial change is made to the land valuation section of the bill. Section 5(b)(3)(B)(i)(III) requires the appraiser to diminish the value of the federal lands due to the Camp Verde and Cottonwood declarations entered into between the Yavapai Ranch and the Salt River Project.

These declarations purport to restrict the use of water on several federal parcels and were negotiated without federal participation. The declarations' net effect on the value of the federal lands involved in the exchange would be substantially negative. For example, the typical number of units allowed for residential purposes based on current zoning and market-based indicators regarding the development of the Federal's parcel indicates a range from 4 to 6 units per acre, whereas the declarations would allow only one residential unit for two acres.

This devaluation would result in the transfer of far more federal land to the owners of the Yavapai Ranch and its related limited liability corporation than would otherwise occur if the market value of the federal estate were fully and fairly valued. As a result, the public would not receive fair value for this transfer of public lands and would be irretrievably damaged by this section.

In addition, the Administration is concerned with the precedent that would be set by this bill with regard to the future management of private lands transferring into federal ownership. While the Forest Service has worked with the Yavapai Ranch to craft language that gives federal land managers more authority to manage the land for the public benefit, land management will not be tied directly to the forest planning process. This may foreclose future public participation and management actions that would otherwise be available to the public and Forest Service through that process.

Although this legislative proposal deviates somewhat from our standard administrative process, except for the proposed, "devaluing of the federal lands affected by the Declarations," there are adequate safeguards in this proposal to ensure that the exchange will be of equal value and complement the involved Forest lands and resource management plans, and overall, is in the public interest.

This concludes my statement. I would be happy to answer any questions you may have.

The Administration supports the exchange of lands embodied in H.R. 5513 and has worked for a number of years to craft an exchange proposal to arrive at a mutually beneficial exchange of approximately 55,000 acres of federal and non-federal lands.

This exchange offers substantial benefits to both parties and the public. The Forest would benefit from simplified boundary management, reduced administrative costs, and the acquisition of lands adjacent to the Juniper Mesa Wilderness which have significant forest, wildlife and recreation values. Blocking up 110 square miles into solid Forest Service ownership is an important goal for the forest. Conversely, the Yavapai Ranch would benefit from consolidation and the acquisition of valuable development property in northern Arizona. Several communities and summer camps would also benefit from the acquisition of lands for commercial and residential growth and for community services. Overall, this exchange will be beneficial and in the public interest.

The Administration requests that a change be made to the land valuation section of the bill. Section 5(b)(3)(B)(i)(III) requires the appraiser to diminish the value of the federal lands due to the Camp Verde and Cottonwood/Clarkdale Declarations entered into between the Yavapai Ranch and the Salt River Project.

These Declarations purport to restrict the use of water on several federal parcels. We believe the Declarations' net effect on the value of the federal lands involved in the exchange would be negative. For example, although the Declarations are consistent with the typical number of units allowed for residential purposes under the current zoning, certain market-based indicators regarding the development of the federal parcels may indicate a higher density might be permitted. This devaluation could result in the transfer of more federal land to the owners of the Yavapai Ranch than would otherwise occur if the market value of the federal estate were unencumbered by the Declarations. As a result, the public might not receive full fair market value for this transfer of public lands.

In addition, the administration is concerned with the precedent that would be set by this bill concerning future management of private lands transferring into federal ownership. While the Forest Service has worked with the Yavapai Ranch to craft language that gives federal land managers more authority to manage land for the public benefit, we would prefer that future management be left solely to the forest planning process.

This concludes my statement. I would be happy to answer any questions you may have.